

IFW



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q90507

Alain BEHAR, et al.

Appln. No.: 10/550,551

Group Art Unit: 3754

Confirmation No.: 1903

Examiner: Not Yet Assigned

Filed: September 26, 2005

For: FLUID PRODUCT DISPENSER

**SUBMISSION OF INTERNATIONAL
PRELIMINARY EXAMINATION REPORT (IPER)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

For the Examiner's convenience, enclosed herewith is a copy of the English translation of the International Preliminary Examination Report. It is noted that the one reference cited in the International Search Report was previously submitted to the U.S. Patent and Trademark Office with an Information Disclosure Statement on September 26, 2005, and are therefore not enclosed herewith.

Respectfully submitted,

Raja N. Saliba
Registration No. 43,078

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: October 3, 2006

TRAITÉ DE COOPÉRATION EN MATIÈRE DE BREVETS

PCT/FR2004/000694

Expéditeur : le BUREAU INTERNATIONAL

PCT

NOTIFICATION DE TRANSMISSION DE COPIES
DE LA TRADUCTION DU RAPPORT D'EXAMEN
PRÉLIMINAIRE INTERNATIONAL
SUR LA BREVETABILITÉ (CHAPITRE I OU CHAPITRE II
DU TRAITE DE COOPERATION EN MATIÈRE DE BREVETS)

(règles 44bis.3.c) et 72.2 du PCT)

Date d'expédition (*jour/mois/année*)
02 mars 2006 (02.03.2006)

Référence du dossier du déposant ou du mandataire
ARLS 8 B PCT

Demande internationale n°
PCT/FR2004/000694

Destinataire :

CAPRI
33, rue de Naples
F-75008 Paris
FRANCE



NOTIFICATION IMPORTANTE

Date du dépôt international (*jour/mois/année*)
22 mars 2004 (22.03.2004)

Déposant

AIRLESSYSTEMS etc

1. Transmission de la traduction au déposant.

Le Bureau international transmet ci-joint copie de la traduction en langue anglaise du rapport préliminaire international sur la brevetabilité (chapitre I).

Le Bureau international transmet ci-joint copie de la traduction en langue anglaise du rapport préliminaire international sur la brevetabilité (chapitre II).

2. Transmission d'une copie de la traduction aux offices désignés ou élus.

Le Bureau international notifie au déposant qu'une copie de cette traduction a été transmise aux offices désignés ou élus suivants qui exigent la traduction en question:

KR

Les offices désignés ou élus suivants ayant renoncé à l'exigence selon laquelle la transmission doit être effectuée à cette date recevront une copie de cette traduction du Bureau international seulement à leur demande:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Rappel concernant la traduction dans la ou l'une des langues officielles de l'office ou des offices élus.

Il est rappelé au déposant que, lorsqu'une traduction de la demande internationale doit être remise à un office élu, cette traduction doit comporter la traduction de toute annexe du rapport préliminaire international sur la brevetabilité (chapitre II).

Il appartient au déposant d'établir la traduction en question et de la remettre directement à chaque office élu intéressé dans le délai applicable (règle 74.1). Voir le volume II du *Guide du déposant du PCT* pour de plus amples renseignements.

Bureau international de l'OMPI
34, chemin des Colombettes
1211 Genève 20, Suisse

Fonctionnaire autorisé

Athina Nickitas-Etienne

n° de télécopieur+41 22 740 14 35

n° de télécopieur+41 22 338 89 95

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/000694

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

- international search (Rule 12.3 and 23.1(b))
- publication of the international application (Rule 12.4)
- international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished
 the description:
 pages 1-12 _____ as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
 the claims:
 nos. _____ as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
 nos.* 1-12 received by this Authority on 27.01.2005 with the letter of 24.01.2005
 nos.* _____ received by this Authority on _____
 the drawings:
 sheets 1/3-3/3 _____ as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____
 a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

- the description, pages _____
- the claims, nos. _____
- the drawings, sheets/figs _____
- the sequence listing (*specify*): _____
- any table(s) related to sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages _____
- the claims, nos. _____
- the drawings, sheets/figs _____
- the sequence listing (*specify*): _____
- any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/FR2004/000694

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	
1. Statement		
Novelty (N)	Claims	1-12 YES Claims NO
Inventive step (IS)	Claims	1-12 YES Claims NO
Industrial applicability (IA)	Claims	1-12 YES Claims NO
2. Citations and explanations (Rule 70.7)		
1. Reference is made to the following documents in the present notification:		
D1: DE 93 02 196 U (SCHUCKMANN ALFRED VON) 16 June 1994		
2. Document D1, which is considered to be the prior art closest to the subject matter of the claim, describes (the reference signs between parentheses apply to this document): A fluid dispenser including a first fluid dispensing member (lower pump P, figure 14) linked to a first fluid container (lower container K, figure 14), which first member includes a first actuating rod (15) movable along a first rod axis between an inoperative position and an operative position, and a second fluid dispensing member (upper pump P, figure 14) linked to a second fluid container (upper container K, figure 14), which second member includes a second actuating rod (15) movable along a second rod axis between an inoperative position and an operative position, wherein the first rod (15) includes a free end		

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/000694

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
-----------	---

pointing in a first direction and the second rod (15) has a second free end pointing in a second direction, the two rods are mutually arranged in such a way that the first and second rod axes are parallel and the first direction is opposite to the second direction, as a result of which one dispensing member is upside-down relative to the other dispensing member, and at least one of the containers does not have an air inlet so that it becomes smaller as the fluid is removed therefrom.

It follows that the subject matter of claim 1 differs from this known dispenser in that:
One of the dispensing members is provided with a load adjustment spring for altering the load required to actuate said member.

Consequently, the subject matter of claim 1 is novel (PCT Article 33(2)).

The problem that the present invention is intended to solve can thus be considered to be that of adjusting or altering the order in which the two fluids are dispensed (the fluids are dispensed one after the other or simultaneously).

The solution to this problem, as proposed in claim 1 of the present application, is considered to involve an inventive step (PCT Article 33(3)), for the following reasons:

The insertion of a loading spring into the dispenser is not described in the available prior

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/000694

Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

art.

The spring enables the dispenser to be fitted to a variety of different pumps (having different degrees of stiffness). For example, by simply replacing the loading spring, two components can continue to be dispensed simultaneously when the type of pump for (at least) one of the components is replaced.

Replacing the loading spring also enables an easy transition from the simultaneous dispensing mode to a sequential dispensing mode.

Consequently, the subject matter of claim 1 is considered to involve an inventive step (PCT Article 33(3)).

The subject matter of claim 1 complies with the requirements of novelty and inventive step of the PCT.

Claims 2 to 12 are dependent on claim 1 and thus also comply, as such, with the requirements of novelty and inventive step of the PCT.